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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

037-0039

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Signature _____

Typed or printed name _____

Application Number

09/879,575

Filed

June 12, 2001

First Named Inventor

James Alexander Reeds III

Art Unit

2134

Examiner

Ellen C. Tran

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

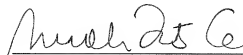
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attorney or agent of record.

Registration number _____

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 54,021

Signature

Nicole Teitler Cave

Typed or printed name

512-338-6300

Telephone number

7/30/08

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

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*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): James Alexander Reeds III and Wen-Ping Ying
Title: APPARATUS, SYSTEM AND METHOD FOR VALIDATING
INTEGRITY OF TRANSMITTED DATA
Application No.: 09/879,575 Filed: June 12, 2001
Examiner: Ellen C. Tran Group Art Unit: 2134
Atty. Docket No.: 037-0039 Confirmation No.: 4755

July 30, 2008

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Commissioner for Patents
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Alexandria, VA 22313-1450

REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

This paper is being submitted concurrently with a Notice of Appeal in compliance with 37 C.F.R. § 41.31 and a Pre-Appeal Brief Request for Review.

Any fees required by this paper are being provided as directed in an electronic submission of this paper or in a transmittal letter accompanying this paper. However, the Commissioner is hereby authorized to charge any deficiency in fees required by this paper and any additional fees under 37 C.F.R. § 1.16 or 1.17 which may be required during the pendency of this application, and to similarly credit any overpayment, to Deposit Account 50-0631.

Applicant's reasons for a Pre-appeal Brief Request for Review are as follows:

1. The Rejection of Claims 1-3, 5-8, 14-16, 18-22, 26, 27, 41-43, and 45-47 Under 35 U.S.C. § 103 Over U.S. Patent Application Publication No. 2002/0094081 to Medvinsky (hereinafter, Medvinsky) and U.S. Patent Application Publication No. 2001/0052072 to Jung (hereinafter, Jung)

Applicants respectfully maintain that the Office failed to establish a *prima facie* case of obviousness because the references fail to teach or suggest the claimed combination. See In re Nielson, 816 F.2d 1567, 1572, 2 USPQ2d (BNA) 1525, 1528 (Fed. Cir. 1987); see also In re

Kahn, 441 F.3d 977, 986, 78 USPQ2d (BNA) 1329, 1335 (Fed. Cir. 2006). In particular, regarding claims 1-3 and 5-8, Applicants respectfully maintain that Medvinsky, alone or in combination with Jung, fails to teach or suggest

padding an encrypted payload of the received data packet to a given size with padding, the given size corresponding to the fixed length segment size, and decrypting the payload of the received data packet by applying the fixed length segment of the continuous decryption key to the padded, encrypted payload, a portion of the fixed length segment being applied to the encrypted payload, a remaining portion of the fixed length segment being applied to the padding,

as required by claim 1. See Response After Final Office Action filed June 9, 2008 pages 9-11.

Regarding claims 14-16, 18-22, 26, and 27, Applicants respectfully maintain that Medvinsky, alone or in combination with Jung, fails to teach or suggest

padding data to generate padded data, applying the fixed length segment to the padded data to form padded encrypted data by applying a portion of the fixed length segment to the data to form an encrypted payload and applying a remaining portion of the fixed length segment to the padding, de-padding the padded encrypted data to form the encrypted payload, and combining the encrypted payload and the at least a portion of the session count to form an encrypted data packet,

as required by claim 14. See Response After Final Office Action filed June 9, 2008 pages 11-12.

Regarding claims 41-43 and 45-47 Applicants respectfully maintain that Medvinsky, alone or in combination with Jung, fails to teach or suggest

a padding engine configured to generate padded data,
an encryption engine configured to apply a portion of
a fixed length segment of a continuous encryption key
stream to the padded data to form encrypted padded
data, a pad remover coupled to receive the encrypted
padded data from the encryption engine and operable to
remove the encrypted padding to generate an encrypted
payload,

as required by claim 41. See Response After Final Office Action filed June 9, 2008 pages 12-14.

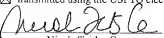
2. The Rejection of Claim 57 Under 35 U.S.C. § 103 Over Medvinsky and U.S. Patent No. 6,918,034 to Sengodan (hereinafter, Sengodan)

Applicants respectfully maintain that the Office failed to establish a *prima facie* case of obviousness because the references fail to teach or suggest the claimed combination. See In re Nielson, 816 F.2d 1567, 1572, 2 USPQ2d (BNA) 1525, 1528 (Fed. Cir. 1987); see also In re Kahn, 441 F.3d 977, 986, 78 USPQ2d (BNA) 1329, 1335 (Fed. Cir. 2006). Regarding claim 57 Applicants respectfully maintains that Medvinsky, alone or in combination with Sengodan, fails to teach or suggest

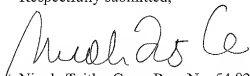
a receiver including a padding engine operable to pad
an encrypted payload of the received encrypted data
packet to generate the payload of the received
encrypted data received by the decryption engine, a
decryption engine configured to decrypt a payload of
the received encrypted data packet by applying a
portion of a current fixed length segment of a
continuous decryption key stream to the data packet if
the difference is less than the threshold, and a pad
remover configured to remove padding from the
decrypted data,

as required by claim 57. See Response After Final Office Action filed June 9, 2008, pages 17-18.

All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. For at least these reasons, Applicants request a pre-appeal brief review.

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 Nicole Teitler Cave	<u>7/30/08</u> Date
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Respectfully submitted,


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